

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

BAICOR, LC,
Plaintiff,

vs.

THE FERTI-SORB COMPANY,
Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING DEFENDANT
LEAVE TO FILE RESPONSIVE
PLEADINGS OUT OF TIME AND
DIRECTING DEFENDANT TO
APPOINT COUNSEL

Case No. 1:08-CV-72 TS

On August 25, 2008, Defendant The Ferti-Sorb Company filed with the Court a request for leave to file out of time pleadings responsive to the complaint in this matter. Plaintiff Baicor, LC filed notice with the Court on August 26, 2008, that it does not object to Defendant's request for additional time.

Steven E. Reick purports to represent Defendant The Ferti-Sorb Company as its president. The Court notes that it has long been the law in the Tenth Circuit "that a corporation can appear in a court of record only by an attorney at law."¹ A corporation may not appear

¹*Flora Const. Co. v. Fireman's Fund Ins. Co.*, 307 F.2d 413, 414 (10th Cir. 1962).

“through a non-attorney corporate officer appearing *pro se*.”² Since The Ferti-Sorb Company is a corporation, it must be represented in this Court by an attorney at law. Since Mr. Reick is not a licensed attorney, he may not represent The Ferti-Sorb Company, even though he is its president.

It is therefore

ORDERED that the Motion for Leave to File Responsive Pleadings out of Time (Docket No. 5) is hereby GRANTED. The deadline for filing pleadings responsive to the complaint in this matter shall be extended to September 25, 2008. It is further

ORDERED that Defendant The Ferti-Sorb Company appoint counsel to represent them in this matter by September 25, 2008.

DATED September 3, 2008.

BY THE COURT:



TED STEWART
United States District Judge

²*Harrison v. Wahatoyas, L.L.C.*, 253 F.3d 552, 556 (10th Cir. 2001).